

AMENDED IN ASSEMBLY MAY 27, 2005
AMENDED IN ASSEMBLY MARCH 29, 2005
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 805

Introduced by Assembly Member Chu
(Coauthors: Assembly Members Bermudez, Jones, Klehs, Koretz,
Leno, and Levine)
(Coauthor: Senator Alquist)

February 18, 2005

An act to add Section 6713 to the Labor Code, relating to occupational safety and health.

LEGISLATIVE COUNSEL'S DIGEST

AB 805, as amended, Chu. Occupational safety and health: heat illness prevention *and response*.

Existing law, the California Occupational Safety and Health Act of 1973, requires employers to provide safe and healthful working conditions for all employees, authorizes the enforcement of effective standards, and provides penalties for employers who fail to comply with the act's provisions. The act also provides that a knowing, negligent, or repeated violation of any standard authorized by the act that creates a real and apparent hazard to employees, is a misdemeanor.

This bill would require the Occupational Safety and Health Standards Board to, no later than December 1, ~~2006~~ 2007, adopt an occupational safety and health standard proposed by the Division of Occupational Safety and Health for heat illness prevention, ~~and would~~ *for all employees at risk of heat illness*.

This bill would also require the board to adopt a standard, no later than December 1, 2006, applicable to workers subject to specified wage orders. This bill would further prescribe certain requirements for that standard. ~~Because~~

Because an employer ~~that~~ who repeatedly violates ~~this standard~~ the standards, thereby creating a real and apparent hazard to employees, would be guilty of a misdemeanor under existing law, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6713 is added to the Labor Code, to
2 read:

3 6713. (a) The standards board shall, no later than December
4 1, ~~2006~~ 2007, adopt an effective occupational safety and health
5 standard proposed by the division for heat illness prevention *and*
6 *response*, in accordance with Section 144.6, *for all employees at*
7 *risk of heat illness.*

8 (b) *The standards board shall also, no later than December 1,*
9 *2006, adopt a standard for heat illness prevention and response*
10 *for all workers subject to Wage Orders 3, 8, 13, and 14.*

11 (1) ~~The standard shall require every employer to establish,~~
12 ~~implement, and maintain written effective procedures to do the~~
13 ~~following:~~

14 ~~(A) Identify and evaluate workplace hazards associated with~~
15 ~~heat illness, including, but not limited to, procedures for~~
16 ~~monitoring the temperature at the worksite and identifying and~~
17 ~~evaluating employers to include in their written Illness and Injury~~
18 ~~Prevention Programs effective procedures to identify, evaluate,~~
19 ~~and control workplace hazards contributing to heat illness. The~~
20 ~~effective procedures shall include, but not be limited to, the~~
21 ~~following:~~

1 (A) Monitoring the temperature at the worksite, and identifying
2 and evaluating the occurrence of a heat wave.

3 (B) Prevent, recognize, and provide for immediate and
4 appropriate medical treatment of heat illness suffered by its
5 employees.

6 (C) Evaluate and take appropriate steps to protect employees
7 from exposures to environmental, work, and individual
8 conditions that are associated with the occurrence of heat illness,
9 including, among other environmental conditions, a heat wave.

10 (2) For purposes of paragraph (1), effective procedures shall
11 include, but not be limited to, the following:

12 (A) Access at all times to an adequate supply of potable
13 drinking water as specified in Sections 1524, 3363, 3457, and
14 6975 of Title 8 of the California Code of Regulations, and
15 encouraging the frequent drinking of water.

16 (B) A system of communication so that employees at risk of
17 heat illness shall either not work alone or shall be required to
18 have personal, radio, or telephone contact with a responsible
19 adult at specified intervals during work hours.

20 (C) Access at all times to a shaded rest area, which, if feasible,
21 shall be cooled.

22 (D) Acclimatization procedures.

23 (E) Provision for hourly rest breaks of at least 10 minutes in
24 duration during heat waves and in other situations when the
25 hazard of heat illness is high.

26 (F) Provision to be made in advance for prompt emergency
27 medical transportation and immediate medical attention to cases
28 of suspected heat illness.

29 (3) The standard shall also require the employer to incorporate
30 the applicable requirements of relevant sections of Title 8 of the
31 California Code of Regulations into its heat illness prevention
32 procedures.

33 (4) —

34 (B) Providing access at all times to potable drinking water as
35 specified in Sections 3363 and 3457 of Title 8 of the California
36 Code of Regulations, with two gallons of potable drinking water
37 per employee supplied for each 8-hour day at the worksite during
38 a heat wave, and encouraging the frequent drinking of water.

39 (C) Establishing a system of communication so that employees
40 shall either not work alone or shall be required to have personal,

1 *radio, or telephone contact with a responsible adult at specified*
2 *intervals during work hours if not acclimatized, if wearing*
3 *protective clothing that interferes with cooling, or during heat*
4 *waves.*

5 *(D) Providing access during heat waves to a shaded rest area,*
6 *which, if feasible, shall be cooled.*

7 *(E) Establishing acclimatization procedures.*

8 *(F) Providing hourly rest breaks of at least 10 minutes in*
9 *duration during heat waves and in other situations where the*
10 *hazard of heat illness is high.*

11 *(G) Providing in advance for prompt emergency medical*
12 *transportation and immediate medical attention to cases of*
13 *suspected heat exhaustion or heat stroke illness.*

14 ~~(2) The standard shall require every employer annually to~~
15 ~~provide heat illness prevention training annual training at the~~
16 ~~beginning of the work season, in a manner and language~~
17 ~~understandable by all employees, to all employees at risk of heat~~
18 ~~illness at the time the procedures required by this section are first~~
19 ~~established, and subsequently to other employees prior to their~~
20 ~~initial assignments to any job that may place the employee at risk~~
21 ~~of heat illness. The standard shall require additional training in~~
22 ~~the recognition of heat illness and the administration of first aid~~
23 ~~for heat illness, which is equal to training provided by the~~
24 ~~American Red Cross or the Mining Enforcement and Safety~~
25 ~~Administration, to be provided to supervisors of employees at~~
26 ~~risk of heat illness.~~

27 ~~(5) Training required to be provided by the employer pursuant~~
28 ~~to paragraph (3) shall address the following topics: employees,~~
29 ~~that addresses the following topics:~~

30 *(A) The different types of heat illness, recognition of common*
31 *symptoms and signs of heat illness, and the effect of heat illness*
32 *on the body's systems if symptoms and signs of heat illness are*
33 *disregarded.*

34 *(B) An explanation to employees of the importance of*
35 *immediately reporting to the employer symptoms or signs of heat*
36 *illness in themselves or in coworkers.*

37 *(C) Factors contributing to the occurrence of the different*
38 *types of heat illness, including, but not limited to, the following:*

39 *(i) Environmental conditions, such as heat wave, temperature,*
40 *sun exposure, humidity, and air movement.*

1 (ii) Work conditions, such as the level of physical exertion
2 ~~and, the use of protective clothing, inadequate rest breaks, and~~
3 ~~inadequate rest breaks~~ and meal periods.

4 (iii) Individual conditions that increase susceptibility to the
5 different types of heat illness, such as inadequate consumption of
6 water, lack of adequate heat acclimatization, and use of alcohol
7 and both therapeutic and illegal drugs.

8 ~~(D) The employer's procedures for identifying and evaluating~~
9 ~~the hazards, and for controlling exposures to environmental and~~
10 ~~work conditions, that are associated with the occurrence of heat~~
11 ~~illness.~~

12 ~~(6)~~
13 (3) *The standard shall require additional training in the*
14 *recognition of heat illness and the administration of first aid for*
15 *heat illness, equal to the training provided by the American Red*
16 *Cross or the Mining Enforcement and Safety Administration, to*
17 *be provided to supervisors of employees covered by this*
18 *standard.*

19 (4) The standard shall include a Non-Mandatory Appendix
20 that recommends peer-reviewed guidelines that employers may
21 utilize in developing heat illness prevention and control programs
22 and acclimatization procedures. Listed guidelines shall include
23 the National Institute for Occupational Safety and Health criteria
24 for a Recommended Standard for Occupational Exposure to Hot
25 Environments, the American Conference of Government
26 Industrial Hygienists guidelines for work in heat, and other
27 guidelines as appropriate.

28 ~~(b) For purposes of the standard required by subdivision (a),~~

29 (c) *For purposes of this section the following definitions*
30 *apply:*

31 (1) "Acclimatization" means a temporary protective
32 adjustment by the body's systems to heat exposure that develops
33 in most people within ~~4 to 10~~ *10 to 14* days after exposure to at
34 least two hours per day of working in heat.

35 ~~(2) "Adequate supply of drinking water" means two gallons of~~
36 ~~potable water per employee per eight-hour day at the worksite~~
37 ~~when the daily maximum temperature exceeds 90 degrees~~
38 ~~Fahrenheit.~~

39 ~~(3)~~

1 (2) “Heat illness” means a group of medical conditions
2 resulting from the body’s inability to cope with a particular heat
3 load, and includes heat cramps, heat exhaustion, heat syncope,
4 and heat stroke.

5 ~~(4)–~~

6 (3) “Heat wave” means a day when daily maximum dry bulb
7 air temperature exceeds 95 degrees Fahrenheit or when daily
8 maximum temperature exceeds 90 degrees Fahrenheit and the
9 temperature on that day is 9 degrees Fahrenheit or more above
10 the maximum reached on the preceding day. Heat waves include,
11 but are not limited to, days when the National Weather Service
12 has forecast a heat ~~wave or issued a Heat Alert~~ *advisory or*
13 *excessive heat warning* for the geographic area.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.